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EXAMINER

SALIARD, SHANNON S

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/057,048	Applicant(s) ROBERTSON ET AL.	
	Examiner Shannon S. Saliard	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 10, 11, and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 08 February 2006.

Claim Objections

2. **Claim 1** is objected to because of the following informalities:

As per **claim 1**, the first letter in the claim should be capitalized. Appropriate correction is required.

As per **claim 1**, the acronym RF is used in the claim recitation with no previous definition in the claims for the aforementioned acronyms. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1-9 and 12-15** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claim 1**, the limitation "the registered" in line 9 is vague and indefinite. There is insufficient antecedent basis for this limitation in the claim.

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As per **claim 1**, the limitation “information unique to transportation entities such as airlines, car rentals, cruise ships, trains, buses, and shuttles” as recited is vague and indefinite. It is unclear to the Examiner what the Applicant is attempting to set forth. Appropriate correction is required.

As per **claim 1**, the claim contains multiple periods. It is a requirement that the claim be in one sentence format. Appropriate correction is required.

As per **claim 1**, the limitation “the identification information including an RF chip” as recited is vague and indefinite. It is unclear to the Examiner how an RF chip is used as identification information. Appropriate correction is required.

As per **claims 2-8**, the limitations of these claims, claim a further limitation of information and elements external to the system for pickup and delivery of passengers and luggage. Thus, it is unclear exactly what structural or functional changes are being rendered to the system by the limitations of the claims.

As per **claims 2-4 and 7-9**, the limitation “may” as recited is vague and indefinite. Appropriate correction is required.

As per **claim 6**, the limitation “other similar facilities” as recited is vague and indefinite. It is unclear to the Examiner what comprises a facility that is similar to an airport.

As per **claim 9**, the claim is directed to a system, however, there is no system disclosed in the claim. Appropriate correction is required.

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As per **claim 12**, it is unclear to the Examiner if the user is the registrant or the service provider is the registration. Appropriate correction is required. For the purpose of examination, the Examiner will interpret the registrant to be the user.

As per **claim 12**, the limitations "that user" as recited is vague and indefinite. There is insufficient antecedent basis for this limitation in the claim.

As per **claim 12**, the limitation "which the registrant has been assigned a unique identifier" as recited is vague and indefinite. It is unclear to the Examiner what the Applicant is attempting to set forth. For the purpose of examination, the Examiner will interpret the claim to read, " the system assigns the user a unique identifier".

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 2 and 3** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per **claims 2 and 3**, the limitations include a recitation of "whereby an individual." Examiner submits that when considering these limitations in the broadest reasonable interpretation, the limitations are interpreted as claiming a human being, which is non-statutory. See MPEP 2105.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claim 9** is rejected under 35 U.S.C. 102(e) as being anticipated by Lanigan, Sr. [US 2003/0061085].

As per **claim 9**, Lanigan, Sr. discloses a system whereby luggage may travel separately from the traveler but reach the same destination [0010].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al [U.S. Patent No. 6,512,964] in view of Cash et al [US 2002/0134836] and Clark [US 2005/0209950].

As per **claim 1**, Quackenbush et al discloses a system for facilitating the pickup and delivery of passengers and luggage across multiple service providers over a

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distributed network, comprising of: a Service Provider site connected to the distributed network, the Service Provider site running at least one service application to provide an online service to users over the distributed network [col 3, lines 39-44; see Fig. 3]; a plurality of user computers connected to the distributed network, each user computer running at least one client application for accessing online service of the Service Provider sites [see Fig.3], the mySkyCap site including a luggage database [col 3, lines 51-54]; a mySkyCap site (Baggage Direct Website) connected to a Service Provider site and user computers [col 3, lines 47-51]; the registered users accessing the Service Provider sites from the user computers over the distributed network [col 3, lines 39-44]; a database which stores luggage identification information [col 3, lines 51-54].

Quackenbush et al does not disclose a plurality of service provider sites; the mySkyCap site including a traveler database, an itinerary database; a partner database, and a Open Travel Alliance database containing authentication information of registrants, a database which stores user specific customization data, the customization data specifying preferences of the registered users with respect to the online services of the Service Provider sites; and a database which stores luggage identification including an RF chip, which uniquely identifies the luggage and associates it with an individual; and a database which stores itinerary information, the itinerary information including individual travel segments, the travel segment being associated with a single service partner; and a database which stores service partner information, the service partner information includes business rules and information unique to transportation entities such as airlines, car rentals, cruise ships, trains, buses, and shuttles; and a database which

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stores Open Travel Alliance Information, the Open Travel Alliance Information contains business rules on how the alliance partners communicate with each other via the Internet. an authentication protocol for allowing the mySkyCap site to authenticate users and service providers and communication links with the partner systems, the authentication protocol implemented by software components of the Service Provider, and mySkyCap sites. whereby a scaleable system is defined that supports multiple online service providers of any size and from any location in the world. However, Cash et al discloses a system for baggage tracking in which a plurality of service providers are connected to a baggage management system; the baggage management system contains a database with travel reservation information and baggage information; and the baggage is identified using an RFID [0025; 0027]. Cash et al further discloses the user enters information including first and last name, phone number, or wireless device identifier to which notifications may be sent [0026]. Further, Cash et al discloses the PNR record of the traveler is sent to the central database, and that a voice imprint or other identification may be used to identify the customer [0027]. Cash et al does not disclose a partner database, and a Open Travel Alliance database containing authentication information of registrants; the service partner information includes business rules and information unique to transportation entities such as airlines, car rentals, cruise ships, trains, buses, and shuttles; and a database which stores Open Travel Alliance Information, the Open Travel Alliance Information contains business rules on how the alliance partners communicate with each other via the Internet. an authentication protocol for allowing the mySkyCap site to authenticate users and service

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providers and communication links with the partner systems. However, Clark discloses a system that includes a directory of service partner profiles that includes the partner's preferred method of communication, business process, and business rules [0032]. The system of Clark further requires authentication in order for service providers to contact communicate with partners [0064]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include the systems disclosed by Cash et al and Clark. Cash et al provides the motivation that a system that is able to recognize that has bag has been misdirected and to inform carrier and travelers of the particular bag to minimize the inconvenience [0004]. Clark also provides the motivation that it is desirable in to allow trading partnerships to be forged within an electronic communication framework that allows each partner to retain its unique business methods and processes without comprise of business-to-business interactions [0007], and the system also allows a partner to decide if they want to interact with another partner [0008].

As per **claim 2**, Quackenbush et al further discloses whereby an individual may schedule passenger and luggage handling services across multiple service providers [col 3, lines 37-54].

As per **claim 3**, Quackenbush et al further discloses whereby an individual may schedule luggage pickup and delivery that is separate from passenger pickup and delivery [col 4, lines 13-20, lines 39-42].

As per **claim 4**, Quackenbush et al further discloses whereby luggage may be tracked as to its location [col 5, lines 54-67; col 6, lines 1-8].

As per **claim 5**, Quackenbush et al does not explicitly disclose whereby security is increased by associating luggage with respective individuals. However, Quackenbush et al discloses that luggage is associated with a traveler [col 4, lines 17-40].

Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd Pat. App. & Inter. 1987). Thus, the structural limitations of claim 1 are disclosed by Quackenbush et al as described above. Also, as described above, the functional limitations in claim 5 do not distinguish the claimed apparatus from the prior art.

As per **claim 6**, Quackenbush et al further discloses for the handling of luggage at airport and other similar facilities [col 1, lines 60-63].

As per **claim 7**, Quackenbush et al further discloses whereby a traveler may obtain the status of travel reservations and luggage while in- route [col 1, lines 60-66].

6. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al [U.S. Patent No. 6,512,964] in view of Cash et al [US 2002/0134836] and Clark [US 2005/0209950] as applied to claim 1 above, and further in view of Leonard et al [US 2002/0046109].

As per **claim 8**, Quackenbush et al discloses all the limitations of claim 1.

Quackenbush et al does not disclose whereby travelers may consolidate frequent flyer information from multiple companies and transportation modes. However, Leonard et al discloses that a customer is awarded points for traveling with a particular airline or purchasing goods or services associated with that airline [0005]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include the system of Leonard et al. Leonard provides the motivation that using frequent flier programs help to promote customer loyalty [0005].

7. **Claims 12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al [U.S. Patent No. 6,512,964] in view of Cash et al [US 2002/0134836] and Clark [US 2005/0209950].

As per **claim 12**, Quackenbush et al discloses an apparatus comprising: a mySkyCap (Baggage Direct Website) server operatively connected to a computer network [col 3, lines 47-51]; the at least one data structure further including the registration of luggage [col 3, lines 51-54]; a first data entry system through which information about registrants are entered into the computer system, the first information for each registrant including at least a first name, last name [col 4, lines 32-33]; a second data entry system capable of receiving second information, the second information including a list of luggage associated with that user [col 4, lines 33-36]; a third data entry system through which information about luggage are entered into the

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computer system [col 4, lines 33-36]; a database storage system that stores and retrieves the first, second, and third information about the registrant including associated luggage [col 4, lines 12-39]; and a fourth data entry system through which information about travel itineraries are entered into the computer system [col 3, lines 37-53]. Quackenbush et al does not explicitly disclose that the server has a computer readable memory, the memory storing mySkyCap and implementation software, including database management software, customer access software, payment processing software, and notification software. However, Quackenbush et al discloses that the server contains databases, and controls passenger access. Quackenbush et al further discloses that payment can be made and that customer can be notified about the status of their luggage. Moreover, the Examiner takes Official Notice that it is old and well known in the art that computers have processors and computer-readable memory. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include storing database management software, customer access software, payment processing software, and notification software in the server memory. Also, it is old and well known in the art that luggage is identified the make, color, size, condition. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include collecting baggage characteristics to facilitate locating and identifying specific luggage. Quackenbush et al does not further disclose including at least one data structure including a list of registrants along with corresponding ID and profile information; a data entry system for entering a registrant's

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email address; assigning the registrant a unique identifier; a list of participating service providers with their corresponding communication information, the list of participating service providers being a subset of the sites available to users of the computer network, the third information for each luggage including make, color, size, condition, and associate RF chip; a fourth data entry system that includes individual travel segment reservations; a fifth data entry system through which information about Service Providers are entered into the computer system, the fifth information for each service provider including at least a contact name and Email address; a database storage system that stores and retrieves the fourth and fifth information about travel itineraries and the corresponding services providers; and a sixth data entry system through which information about Open Travel Alliance members are entered into the computer system, the sixth information for each Open Travel Alliance members including at least a contact name and Email address; a database storage system that stores and retrieves the sixth information about Open Travel Alliance members and associated business rules; whereby the mySkyCap service facilitates seamless connection between travelers and service providers for the managing transportation of passengers and luggage. However, Cash et al discloses a system for baggage tracking in which a plurality of service providers are connected to a baggage management system; the baggage management system contains a database with travel reservation information and baggage information; and the baggage is identified using an RFID [0025; 0027]. Cash et al further discloses the user registers information including first and last name, phone number, or wireless device identifier to which notifications may be sent to create a

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traveler profile [0026]. Further, Cash et al discloses the PNR record of the traveler is sent to the central database, and that a voice imprint or other identification may be used to identify the customer [0027]. Cash et al does not disclose including a list of participating service providers with their corresponding communication information, the list of participating service providers being a subset of the sites available to users of the computer network; a fifth data entry system through which information about Service Providers are entered into the computer system, the fifth information for each service provider including at least a contact name and Email address; and a sixth data entry system through which information about Open Travel Alliance members are entered into the computer system, the sixth information for each Open Travel Alliance members including at least a contact name and Email address; a database storage system that stores and retrieves the sixth information about Open Travel Alliance members and associated business rules. However, Clark discloses a system that includes registering a service partner to create a profile [0047]. Clark further discloses the directory of service partner profiles includes the partner's preferred method of communication (including email), business process, and business rules [0032; 0035; 0036]. The system of Clark further requires authentication in order for service providers to contact communicate with partners [0064]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include the systems disclosed by Cash et al and Clark. Cash et al provides the motivation that a system that is able to recognize that has bag has been misdirected and to inform carrier and travelers of the particular bag to minimize the

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inconvenience [0004]. Clark also provides the motivation that it is desirable in to allow trading partnerships to be forged within an electronic communication framework that allows each partner to retain its unique business methods and processes without comprise of business-to-business interactions [0007], and the system also allows a partner to decide if they want to interact with another partner [0008].

As per **claim 13**, Quackenbush et al further discloses wherein the data entry systems comprise a client application running on a user computer [col 3, lines 39-44].

As per **claim 14**, Quackenbush et al does not explicitly disclose further comprising updating means for updating the database storage system as travel itineraries are confirmed and registrants update their profile. However, Quackenbush discloses that as a traveler makes reservations they are linked to a website where baggage information is collected [col 3, lines 36-51] and that the database is updated upon generation of a baggage tag [col 4, lines 47-52]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include updating means for updating the database storage system as travel itineraries are confirmed and registrants update their profile so that the most accurate information is contained in the database for real-time tracking.

As per **claim 15**, Quackenbush et al does not disclose further comprising a database storage system, which resides on one or more computers at one or more sites that work in tandem. However, Cash et al discloses that the PNR record of a passenger is sent and associated with the traveler profile stored in the database [0027]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention

to modify the invention of Quackenbush et al to include the system disclosed by Cash et al so that the most accurate information is contained in the database for real-time tracking.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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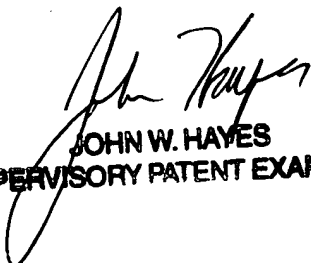
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Shannon S Saliard
Examiner
Art Unit 3639

SSS


**JOHN W. HAYES
SUPERVISORY PATENT EXAMINER**